

UNITED STATES DISTRICT COURT

for the

Northern District of New York

FILED

MAY 05 2010

AT _____ O'CLOCK

by _____ K. Baerman, Clerk - Syracuse

United States of America

v.

Case No. 5:10-MJ- 227 (DEP)

MICAH S. BROWN

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2009 to April 2010 in the county of Onondaga in the
Northern District of New York, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. §2422(b)

coercion or enticement of a minor

And

18 U.S.C. §2423(b)

travel with intent to engage in illicit sexual conduct

This criminal complaint is based on these facts:

Micah S. Brown knowingly used a facility of interstate commerce to persuade, induce, entice, coerce, and attempt to persuade, induce, entice, and coerce an individual who has not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b); and knowingly traveled in interstate commerce for the purpose of engaging in illicit sexual conduct with another person in violation of Title 18, United States Code, Section 2423(b).

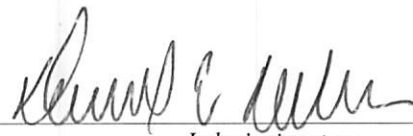
x Continued on the attached sheet.

*Complainant's signature*

Peter Jackson, Special Agent USSS

Printed name and title

Sworn to before me and signed in my presence.

Date: May 5, 2010*Judge's signature*City and state: Syracuse, New York

Hon. David E. Peebles, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF SA PETER JACKSON

1. I, PETER JACKSON, am a Special Agent with the United States Secret Service and have been so employed for approximately 7 ½ years. I have been assigned to the Syracuse Resident Office in Syracuse, New York for 7 years. Among my duties are the investigation cyber crime violations pursuant to Title 18, United States Code, Sections 1028, 1029, 1030, 1343 and similar sections. My duties also include assisting with child exploitation investigations pursuant to Title 18, United States Code, Section 3056(f).

2. I make this affidavit in support of a criminal complaint and arrest warrant charging MICAH BROWN with using a facility of interstate commerce to persuade, induce, entice, and coerce and attempt to persuade, induce, entice and coerce an individual who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18 United States Code, Section 2422(b), and with traveling in interstate commerce for the purpose of engaging in illicit sexual conduct with another person, in violation of Title 18, United States Code, Section 2423(b).

3. The statements contained in this affidavit are based upon information provided by the New York State Police, and on my experience and training as a Special Agent of the United States Secret Service. As this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MICAH BROWN has violated Title 18, United States Code, Sections 2422(b) and

2423(b).

Details of the Investigation

4. On March 5th, 2010, a 16 year old female (the "VICTIM") gave a statement to New York State Trooper Linda Smalley in which she detailed her sexual involvement with an adult male, MICAH S. BROWN, a 30 year old male. She stated that she met BROWN online in an AOL¹ chat room while she was at her residence in Marcellus, NY.

5. On March 16th, 2010, Investigator Todd Grant, New York State Police - Computer Crimes Unit, interviewed the VICTIM at Troop D Headquarters in Oneida, NY. During this interview, the VICTIM told Inv. Grant that in October of 2009, when she was fifteen years old, she met BROWN in an AOL chat room where he helped her with school work. BROWN communicated with the VICTIM using the AOL's Instant Messaging (IM) Service (AIM) over the Internet.

6. The VICTIM told Inv. Grant that her relationship with BROWN remained casual until November 2009, when BROWN started telling her that she sounded cute and sexy. The VICTIM and BROWN exchanged phone numbers and their relationship grew from an online one to one that involved text messaging using her cell phone. She stated that BROWN sent her pictures of his face and his erect penis and she responded by sending pictures of her face and breasts. She stated that in December 2009 BROWN drove to Marcellus, NY and picked her up down the street from her house. She stated that they went to Lights on the Lake and Heid's Hotdogs. She stated that she was fifteen years old at the time and that this was the first time that BROWN kissed her. She stated that after this encounter BROWN would chat and text with her daily. She stated that the chat and text messages were sexual in nature and that BROWN would tell her that he loved her. She stated that in February 2010, BROWN traveled from Rochester, NY to Marcellus, NY. During this visit BROWN

provided her with marijuana and alcohol and the two engaged in oral sex, activity that constitutes a violation of New York State Penal Law §130.40, Criminal Sexual Act in the 3rd degree. State charges for this and related offenses have been filed in Onondaga County against BROWN by New York State Police Investigators.²

7. During his interview with the VICTIM and her mother, Investigator Grant received permission to assume the on-line identity of the VICTIM. Specifically, he was given the password to access the AOL IM screen name used by the victim to communicate directly with BROWN.

8. On March 17th, 2010, Investigator Grant (the "UCA") was logged on to an investigative computer using the VICTIM'S on-line identity when he was contacted by BROWN who was using the IM screen name "micahbrwn." During this conversation, BROWN discussed his previous trip to meet the VICTIM and engaging in sexual contact with her. BROWN talked about having provided her with marijuana and alcohol, and his desire to see her again. BROWN stated that he was currently teaching at a school in West Hartford, Connecticut. BROWN provided his cell phone number and asked the UCA to text message him. The following is a portion of the transcript of this conversation (misspellings are as in the original) in which BROWN discussed coming to New York (from Connecticut) to again engage in sexual activity with the VICTIM:³

UCA (06:01 pm): ok - so u neve said what u would do when u come to see me/

¹ America On Line

² In pertinent part, NY Penal Law, Section 130.40, entitled Criminal Sexual Act in the Third Degree, provides:

A person is guilty of criminal sexual act in the third degree when:

2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old.

Criminal sexual act in the third degree is a class E felony.

³ The full text of this and all subsequent chats between BROWN and Inv. Grant (UCA) are available for the Court's review upon request.

UCA (06:01 pm):

MicahBrwn (06:01 pm): 5 hours each way

MicahBrwn (06:01 pm): allowing for gas

UCA (06:02 pm): wow ur farther than before - but not that far \

MicahBrwn (06:02 pm): well assuming we could spend the night.... we'd drink some

MicahBrwn (06:02 pm): kiss a lot

MicahBrwn (06:02 pm): touch a lot

MicahBrwn (06:02 pm): hump so much

MicahBrwn (06:02 pm): I'd finger and eat you definitely

UCA (06:02 pm): really!!

MicahBrwn (06:03 pm): and if we came prepared.... and you felt ready...

UCA (06:03 pm): ??

MicahBrwn (06:03 pm): we might have sex

UCA (06:03 pm): well would you come prepared

MicahBrwn (06:03 pm): yup

9. In the above chat, BROWN talks to the UCA about performing a sexual act with the VICTIM, that being contact between the VICTIM'S mouth and BROWNS' penis. This act is a crime under New York State Penal Law Section 130.40: Criminal Sexual Act in the Third Degree, which makes it unlawful for a person 21 years old or more, to engage in oral sexual conduct with a person less than 17 years old. Oral sexual conduct is defined in New York State Penal Law Section 130.00(2)(a) as conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.

10. On March 24th, 2010, Investigator Grant (the UCA) was again logged on to an investigative computer using the VICTIM'S on-line identity when he was contacted by BROWN who was using the IM screen name "micahbrwn." During this conversation, BROWN again discussed with the UCA engaging in sexual activity with the VICTIM, and BROWN'S plans to travel to the Northern District of New York to meet with the VICTIM in April, 2010, during his

spring break from school.⁴ Pertinent excerpts of this chat follow:

UCA (04:09 pm): well what do you have in mind when you show up??? you will be tired you know from that long drive

MicahBrwn (04:09 pm): not that tired

MicahBrwn (04:09 pm): depends on when I leave here

UCA (04:09 pm): so what will you be in the mood for?

MicahBrwn (04:09 pm): with you, you mean?

UCA (04:09 pm): of course

MicahBrwn (04:09 pm): lots of kissing

MicahBrwn (04:09 pm): talking

MicahBrwn (04:10 pm): cuddling

MicahBrwn (04:10 pm): oral

MicahBrwn (04:10 pm): humping

MicahBrwn (04:10 pm): hbu, sweetie?

UCA (04:10 pm): wow - you have alot planned

UCA (04:11 pm): i will make sure not to have bad timing this time!!!

MicahBrwn (04:11 pm):

UCA (04:11 pm): ru going to bring condoms

UCA (04:11 pm): ?

MicahBrwn (04:11 pm): yup

UCA (04:11 pm): what kind

MicahBrwn (04:11 pm): twisted pleasure

UCA (04:12 pm): hmm u sound like u have used them before

UCA (04:12 pm): what r they like?

MicahBrwn (04:12 pm): no I bought them for us before I came up that time

MicahBrwn (04:12 pm): I didn't know you were on your period

MicahBrwn (04:12 pm): I just wanted to be prepared for if we wanted to

MicahBrwn (04:35 pm): if we have sex, ok. if we don't... no biggy. if it's good, great. if it's not,we'l just have to keep goin until we get it right

UCA (04:43 pm): r u nervous about coming down

MicahBrwn (04:44 pm): ye

MicahBrwn (04:44 pm): yeah a lil

UCA (04:44 pm): why

⁴ At the time of the chats, BROWN was employed as a student teacher in Connecticut.

MicahBrwn (04:44 pm): just hoping things go well

UCA (04:44 pm): what r u hoping for?

UCA (04:44 pm): what would make it a great trip/

UCA (04:45 pm): and i want details

UCA (04:45 pm):

MicahBrwn (04:45 pm): lol

MicahBrwn (04:45 pm): you and me snuggled close having a good conversation about whatever

MicahBrwn (04:45 pm): you and me kissing... touching... fingering.... licking... sucking

11. On March 31st, 2010, Investigator Grant (the UCA) was again logged on to an investigative computer using the VICTIM'S on-line identity when he was contacted by BROWN who was using the IM screen name "micahbrwn." During this conversation, BROWN again discussed with the UCA engaging in sexual activity with the VICTIM when BROWN travels to the Northern District of New York during his spring break from school. During this conversation BROWN sent to Inv. Grant a text message picture of his face and a text message picture of his erect penis to the VICTIM'S cell phone (that had previously been turned over to Inv. Grant by the VICTIM.) Pertinent excerpts of this chat follow:

UCA (05:12 pm): ok and ur bringin ur computer to watch movies on right

UCA (05:12 pm): ?

MicahBrwn (05:12 pm): yup

MicahBrwn (05:12 pm): computer... maybe one bottle of booze... condoms

UCA (05:13 pm): how many condoms?

MicahBrwn (05:13 pm): I have 3 right now

UCA (05:13 pm): is it goin to hurt after?

UCA (05:13 pm): those were for last time right?

MicahBrwn (05:13 pm): yup

UCA (05:13 pm): yup to hurt or yup to last time

MicahBrwn (05:13 pm): last time

UCA (05:14 pm): what about the hurt thing

MicahBrwn (05:14 pm): i really dunno

MicahBrwn (05:14 pm): I have lube too

UCA (05:14 pm): what kind of lube?

MicahBrwn (05:15 pm): KY

UCA (05:15 pm): u put that on u or me?

MicahBrwn (05:15 pm): both

12. On April 7th, 2010, Investigator Grant (the UCA) was again logged on to an investigative computer using the VICTIM'S on-line identity when he was contacted by BROWN who was using the IM screen name "micahbrwn." During this conversation, BROWN again discussed with the UCA engaging in sexual activity with the VICTIM when BROWN travels to the Northern District of New York during his spring break from school. During this conversation the UCA introduced a fictitious fourteen year old friend of the VICTIM. BROWN discussed engaging in sexual activity with both the VICTIM and the fictitious fourteen year old (TANYA) during his upcoming planned trip to New York. On April 12th, 2010, Investigator Grant (the UCA), again logged on to an investigative computer using the VICTIM'S on-line identity, was contacted by BROWN who was using the IM screen name "micahbrwn." During this conversation, BROWN again discussed with the UCA engaging in sexual activity with the VICTIM and "TANYA" when BROWN travels to the Northern District of New York during his spring break from school. Pertinent excerpts of this chat follow:

UCA (8:26:21 PM):

so what is ur plan when u get here

UCA (8:26:28 PM): with tanya and stuff

MicahBrwn (8:26:30 PM): do you want me to get a room with one king-size bed or a standard room?

UCA (8:26:33 PM): and no i am not jealous

UCA (8:26:56 PM): idk - you decide y u makin me make all the deciosusns

UCA (8:27:04 PM): aghhhhhh

MicahBrwn (8:27:06 PM): lol

UCA (8:27:07 PM): sorry

UCA (8:27:13 PM): long day frusturated

MicahBrwn (8:27:18 PM): I know the feeling

MicahBrwn (8:27:33 PM): its hard to decide everythin love... since I don't know what she's up for

MicahBrwn (8:27:46 PM): or how comfortable we all will be

UCA (8:27:54 PM): well best case scenaroi what do you want to happen
MicahBrwn (8:28:14 PM): the three of us snuggling and kissing together
MicahBrwn (8:28:19 PM): oral sex
MicahBrwn (8:28:32 PM): sleeping in the same king-size bed
UCA (8:28:52 PM): ok
MicahBrwn (8:28:54 PM): and me having sex with you....

13. On April 14th, 2010, Investigator Grant (the UCA) was again logged on to an investigative computer using the VICTIM'S on-line identity when he was contacted by BROWN who was using the IM screen name "micahbrwn." During this conversation, the UCA gave BROWN the screen name of the fictitious fourteen year old TANYA. The UCA then logged off of the VICTIM'S account and onto the online account TANYAS1996. BROWN contacted the UCA (as TANYAS1996) and discussed traveling to the Northern District of New York to engage in sexual contact with her, the fictitious fourteen year old. Pertinent excerpts of this chat follow:

TanyaS1996 (7:54:15 PM): what else do u want to do
TanyaS1996 (7:54:19 PM): yea
MicahBrwn (7:54:29 PM): I'm sorry.. I'm making you uncomfortable aren't I/
TanyaS1996 (7:54:51 PM): no
TanyaS1996 (7:55:08 PM): i jsut never done it so when u say touch me and stuff
MicahBrwn (7:55:20 PM): like your boobs
TanyaS1996 (7:55:23 PM): i dont really no like how and stuff
MicahBrwn (7:55:25 PM): your butt
TanyaS1996 (7:55:29 PM): i dont have big ones
MicahBrwn (7:55:29 PM): or... there
TanyaS1996 (7:55:39 PM): where - like the front
MicahBrwn (7:55:45 PM): mhm
TanyaS1996 (7:56:13 PM): like under my clothes and stuff?
MicahBrwn (7:56:24 PM): or over
MicahBrwn (7:56:31 PM): whatever you're most comfortable with
TanyaS1996 (7:56:38 PM): well what would you want
MicahBrwn (7:56:55 PM): I'd start by touching over clothes
MicahBrwn (7:57:05 PM): and if you were ok with it... I'd go under
TanyaS1996 (7:57:08 PM): ok
TanyaS1996 (7:57:33 PM): what else
MicahBrwn (7:57:39 PM): lots of kissing

MicahBrwn (7:58:01 PM): on the lips.... on the neck... on the shoulders
TanyaS1996 (7:58:31 PM): what would you want me to do
MicahBrwn (7:58:41 PM): kiss back
MicahBrwn (7:59:01 PM): touch my chest and butt and.... there
MicahBrwn (7:59:05 PM): if you wanted
TanyaS1996 (7:59:08 PM): where
TanyaS1996 (7:59:14 PM): u dont like sayin it huh
MicahBrwn (7:59:22 PM): lol
TanyaS1996 (7:59:25 PM): ur funny
MicahBrwn (7:59:26 PM): my cock
MicahBrwn (7:59:28 PM):
 happy?
TanyaS1996 (8:00:01 PM): ur funny
MicahBrwn (8:00:06 PM):
 so are you
TanyaS1996 (8:00:10 PM): am i what
MicahBrwn (8:00:19 PM): you're funny too
MicahBrwn (8:00:35 PM): can I ask.... how big are your boobs? if you don't wanna tell me its ok
TanyaS1996 (8:00:50 PM): not really big like b's
MicahBrwn (8:01:10 PM): thats ok
TanyaS1996 (8:01:17 PM): i have never had sex before u know
MicahBrwn (8:01:22 PM): I know


14. On April 17, 18, and 19, 2010, Investigator Grant (the UCA) was again logged on to an investigative computer using the VICTIM'S on-line identity when he was contacted by BROWN who was using the IM screen name "micahbrwn." During this conversation, BROWN again discussed with the UCA engaging in sexual activity with the VICTIM and the fictitious fourteen year old "TANYA" when BROWN traveled to the Northern District of New York during his spring break from school. BROWN further discussed taking pictures of the two underage girls engaged in sexual contact with each other.

15. On April 20th, 2010, BROWN traveled to the Northern District of New York from Connecticut in his vehicle, and was arrested at the Quality Inn in the Town of Dewitt checking into a hotel room. BROWN later admitted, during a taped interview, that he traveled from West Hartford

Connecticut to the Northern District of New York to engage in sexual contact with the VICTIM and a girl named Tanya who he believed to be fourteen years old. BROWN admitted that he brought marijuana, alcohol, condoms, and Victoria Secret lingerie for the two girls. A search of BROWN'S vehicle revealed marijuana, alcohol, condoms, and the Victoria Secret lingerie. BROWN admitted that he had intended on taking pictures of the two girls engaged in sexual conduct and planned on using his cell phone to take the pictures. Brown further admitted that he had prior sexual conduct with the VICTIM in the past and that he did know it was a crime to do so.

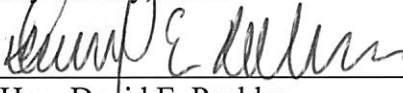
Conclusion

14. Based upon the above information, I believe that probable cause exists that MICAH S. BROWN has violated Title 18, United States Code, Section 2422(b), which prohibits any person from using a facility of interstate commerce to persuade, induce, entice, coerce, and attempt to persuade, induce, entice, and coerce an individual who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, or to attempt to do so, and Title 18 United States Code, Section 2423(b), which makes it unlawful to travel in interstate commerce for the purpose of engaging in illicit sexual conduct with another person.



Peter Jackson
Special Agent
United States Secret Service

Sworn to me this 5th
day of May, 2010.



Hon. David E. Peebles
United States Magistrate Judge